

## **REMARKS**

In view of the above amendments and following remarks, reconsideration and further examination are requested.

Claims 20, 21, 24-31, 34-36, 38-40 and 44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Berman. Claims 45 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman. Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman in view of JP '157. Claims 47-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman in view of WO '024. Claim 33 was allowed. And, claims 37, 42 and 43 were objected as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the following discussion, it is respectfully submitted that the references relied upon by the Examiner are not applicable with regard to the claims presented herewith.

Initially, the courtesies extended by Examiner Rose during the interview conducted on February 25, 2004, are greatly appreciated.

During the interview proposed amendments to claim 20 were discussed. Specifically, Applicants' undersigned representative proposed to incorporate into claim 20 the subject matter of claim 25, i.e. that the dressing units are of a material that is different than the workpiece. With regard to this limitation, Examiner Rose expressed that such a claim would appear to be anticipated by the embodiment as depicted in Figure 3B of Berman. In this regard, Examiner Rose expressed that while one of "230" and "228" might be of the same material as the substrate to be polished, the other of "230" and "228" is of a different material, and "215" is also of a different material than the substrate to be polished.

Additional proposed amendments to claim 20 were also discussed: namely, that the polishing apparatus also comprises a polishing liquid supply nozzle for supplying a polishing liquid, and a dressing liquid supply nozzle for supplying a dressing liquid that is different from the polishing liquid; and that the at least two dressing units are to thinly shave the polishing surface. With regard to these additional proposed amendments, Examiner Rose was unable to ascertain as to whether either of them would render claim 20 allowable.

After consideration of the positions expressed by Examiner Rose, and a further review of Berman, claim 20 has been amended to incorporate therein the subject matter of claim 25. In this regard, claim 20 now recites that the at least two dressing units are **of a material that is different than that of the workpiece**. It is appreciated that the Examiner believes this limitation to be disclosed by Berman. However, from a complete reading of Berman, it is apparent that nowhere does Berman express or suggest that 228 is of a different material than that of 230, such that it is respectfully submitted that claim 20 is not anticipated by Berman.

In this regard, 228 and 230 are only discussed in column 8, lines 14-21 of Berman, and this discussion fails to disclose or suggest that 228 is of a material different than that of 230. And, when this discussion is considered with that in column 7, lines 49-57 of Berman, it is respectfully submitted that Berman suggests that 228 and 230 are of the same material as that of a workpiece to be polished. Specifically, column 7, lines 49-57 of Berman are believed to make clear that the material of a pre-conditioning head is the same as that of the substrate being polished, and column 8, lines 14-21 of Berman refer to such pre-conditioning heads, though of a different arrangement. It is appreciated that in column 7, lines 49-57, it is stated that the material of the pre-conditioning head is “preferably” the same as that of a workpiece to be polished, which could possibly imply that the material of the pre-conditioning head is something other than the same as that of the workpiece to be polished; however, Berman does not offer any concrete alternative in which the material of the pre-conditioning head (130, 228, 230) is different than that of a workpiece to be polished.

Accordingly, in the absence of any explicit teaching in Berman that 228 is different than 230 in terms of its material, or that any of the pre-conditioning heads are of a material different than that of a workpiece to be polished, it is respectfully submitted that claim 20 is not anticipated by Berman. Thus, claims 20-24 and 26-29 are allowable.

Next during the interview, a proposed amendment to claim 32 was discussed. Specifically, Applicants’ undersigned representative proposed to amend claim 32 by reciting that the first dresser has a contact surface comprising diamond particles and that the second dresser has a contact surface comprising diamond particles. With regard to this proposed amendment, Examiner Rose expressed that Berman does not disclose two dressers each of which comprise diamond particles. Accordingly, claim 32 has been amended to recite that the first and second dressers each have a contact surface

**comprising diamond particles.** These amendments are not believed to raise new issues since claim 40, pending at the time of the interview, recites that the dressers comprise diamond dressers.

Accordingly, because Berman does not disclose or suggest an embodiment in which are provided two dressers each having a contact surface comprising diamond particles (only conditioning head 128 or 215 is disclosed to comprise a diamond surface), it is respectfully submitted that claim 32 is not anticipated by Berman. Thus, claim 32 is allowable.

Next during the interview, a proposed amendment to claim 34 was discussed. With regard to this claim, Examiner Rose took the position that the “wherein” clause recited in the final four lines merely recites a functional limitation which is not sufficient to define claim 34 around Berman. Examiner Rose expressed, however, that were this “wherein” clause recited in terms of structure, e.g. --a controller for performing the recited function--, then claim 34 would probably define around Berman. Accordingly, claim 34 has been amended to recite a polishing apparatus that includes *inter alia*

a controller for performing an initial surface conditioning of said polishing surface with said one of said at least two dressers at a time prior to polishing of any workpiece...and for dressing said polishing surface with another of said at least two dressers after the workpiece has been polished.

Support for such a controller is believed to be found in the original specification on page 19, lines 1-8.

Berman does not disclose or suggest such a controller, and accordingly, claim 34 is not anticipated by Berman. Thus, claims 34-36, 38-41 and 45-50 are allowable.

Next during the interview, a proposed amendment to claim 44 was discussed. With regard to this claim, Examiner Rose expressed that the “wherein” clause recited in the final three lines thereof is a functional limitation that would not result in this claim being allowable over Berman. Examiner Rose did suggest, however, that in order to lend a patentable weight to the final three lines of claim 44, these lines should be recited in terms of structure, e.g. --a controller for performing the recited function--. Accordingly, claim 44 has been amended to recite a polishing apparatus that includes *inter alia*

a controller for performing a dressing operation with said one of said at least two dressers after a plurality of

workpieces has been polished...and for dressing said polishing surface with another of said at least two dressers each time a workpiece has been polished.

Support for such a controller is believed to be found in the original specification on page 39, lines 2-19.

Berman does not disclose or suggest such a controller, and accordingly, claim 44 is not anticipated by Berman. Thus, claim 44 is allowable.

JP '157 and WO '024 do not resolve the above deficiencies of Berman, and accordingly, claims 20-24, 26-29, 32-36, 38-41, 44 and 45 are allowable over the references relied upon by the Examiner either taken alone or in combination.

Additionally, allowable claims 37, 42 and 43 have been rewritten in independent form, and claims 25, 30 and 31 have been cancelled.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance, with the allowed claims being 20-24, 26-29 and 32-45, and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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